

DEPARTMENT OF THE CORPORATION COUNSEL 205

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Attorneys for Defendants

CARLTON HELM, CHRISTINA WILLIAMS, KELLY PAUOLE, JAMIE WINFREY,
HAROLD MANAOIS, KAENA BROWN AND COUNTY OF MAUI

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BARBARA KALANIKIEKIE KAAPUNI;)	CIVIL NO CV-04-00449-SOM-LEK
JON HANS KAAPUNI, SR., PAMELA)	
NOHOLANI KAAPUNI, JON HANS)	
KAAPUNI, JR., FALLON)	DEFENDANTS CARLTON HELM,
KALANIKIEKIE KAAPUNI, and TYRAH)	CHRISTINA WILLIAMS, KELLY
NOHOLANI KAAPUNI by her best)	PAUOLE, JAMIE WINFREY,
friend JON HANS KAAPPUNI, SR.,)	HAROLD MANAOIS, KAENA BROWN
)	AND COUNTY OF MAUI'S CONCISE
Plaintiffs,)	STATEMENT
)	
vs.)	
)	
CARLTON HELM, in his individual)	
capacity; STAG SAGARIO, in his)	
individual capacity, CHRISTINA)	
WILLIAMS, in her individual)	
capacity, KELLY ARLOS, in his)	
individual capacity, JAMIE)	
WINFREY, in her individual)	
capacity, HAROLD MANAOIS, in his)	
individual capacity, KEANA)	
BROWN, in her individual)	
capacity, and the COUNTY OF)	
MAUI,)	
)	
Defendants.)	

_____)
**CARLTON HELM, CHRISTINA WILLIAMS, KELLY PAUOLE,
JAMIE WINFREY, HAROLD MANAOIS, KAENA BROWN
AND COUNTY OF MAUI'S CONCISE STATEMENT**

Defendants CARLTON HELM, CHRISTINA WILLIAMS, KELLY PAUOLE, JAMIE WINFREY, HAROLD MANAOIS, KAENA BROWN AND COUNTY OF MAUI ("COUNTY DEFENDANTS"), by and through their attorneys, Brian T. Moto, Corporation Counsel, Moana M. Lutey and Laureen L. Martin, Deputies Corporation Counsel, hereby submit their concise statement pursuant to the Scheduling Order.

A valid search warrant was issued for the Kaapuni residence. On January 24, 2004, Maui Police Department officers executed the search warrant at the Kaapuni residence. In order to execute the search warrant, the police broke the plaintiffs' sliding glass door. The police officers were permitted to break the door if they announced their presence and their intent to execute the warrant before breaking the door. The defendants state that they made the appropriate announcement before breaking the door. The plaintiffs dispute that the announcement was made. Whether the announcement was made is the only issue for you to decide. You must not concern yourself with other issues, such as what the police were searching for or any crimes that the police may have been investigating.

DATED: Wailuku, Maui, Hawaii, June 6, 2006.

BRIAN T. MOTO
Corporation Counsel
Attorney for Defendant
COUNTY OF MAUI

By /s/Moana M. Lutey
MOANA M. LUTEY
Deputy Corporation Counsel

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JON HANS KAAPUNI, SR., PAMELA)	
NOHOLANI KAAPUNI, JON HANS)	
KAAPUNI, JR., FALLON)	CERTIFICATE OF SERVICE RE:
KALANIKIEKIE KAAPUNI, and TYRAH)	DEFENDANTS CARLTON HELM,
NOHOLANI KAAPUNI by her best)	CHRISTINA WILLIAMS, KELLY
friend JON HANS KAAPPUNI, SR.,)	PAUOLE, JAMIE WINFREY,
)	HAROLD MANAOIS, KAENA BROWN
Plaintiffs,)	AND COUNTY OF MAUI'S CONCISE
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CARLTON HELM, in his individual)	
capacity; STAG SAGARIO, in his)	
individual capacity, CHRISTINA)	
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capacity, HAROLD MANAOIS, in his)	
individual capacity, KEANA)	
BROWN, in her individual)	
capacity, and the COUNTY OF)	
MAUI,)	
)	
Defendants.)	
)	
)	

CERTIFICATE OF SERVICE RE: DEFENDANTS CARLTON HELM, CHRISTINA WILLIAMS, KELLY PAUOLE, JAMIE WINFREY, HAROLD MANAOIS, KAENA BROWN AND COUNTY OF MAUI'S CONCISE STATEMENT

I HEREBY CERTIFY that a copy of Defendants Carlton Helm, Christina Williams, Kelly Pauole, Jamie Winfrey, Harold Manaois, Kaena Brown and County of Maui's Concise Statement, was duly served on June 6, 2006, upon the following party, by email:

Arthur E. Ross, Esq.
126 Queen Street, Suite 210
Honolulu, HI 96813

I HEREBY CERTIFY that a copy of Defendants Carlton Helm, Christina Williams, Kelly Pauole, Jamie Winfrey, Harold Manaois, Kaena Brown and County of Maui's Concise Statement, was duly served on June 6, 2006, upon the following party, by depositing same in the U.S. Mail, at their last known addresses:

Rory Soares Toomey, Esq.
1088 Bishop Street, Suite 1004
Honolulu, HI 96813
(Attorneys for Plaintiffs)

DATED: Wailuku, Maui, Hawaii, June 6, 2006.

/s/ Moana M. Lutey
MOANA M. LUTEY
Attorney for Defendants